

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AFFILIATED FOODS MIDWEST
COOPERATIVE, INC., a Nebraska
corporation; and ASSOCIATED
WHOLESALE GROCERS, INC.,

Plaintiffs,

vs.

SUPERVALU INC., a Delaware corporation;

Defendant.

BOROWIAK IGA FOODLINER, INC.,

Plaintiff,

vs.

AFFILIATED FOODS MIDWEST
COOPERATIVE, INC., and ASSOCIATED
WHOLESALE GROCERS, INC.,

Defendants,
Counterclaimants, and
Third-Party Defendants,

vs.

TREVOR BOROWIAK,

Third-Party Defendant.

**8:16CV465
MEMBER CASE**

ORDER

**8:16CV466
LEAD CASE**

ORDER

In accordance with the discussion held with counsel for the parties on November 27, 2018,

IT IS ORDERED:

1. The parties are to meet and confer in accordance with NECivR 7.1(i) to resolve any outstanding discovery matters, including the scheduling of remaining depositions and document production.
2. Motions to Dismiss and/or Motions for summary judgment shall be filed not later than **December 7, 2018**. See NECivR [56.1](#) and NECivR [7.1](#).

3. Motions in limine challenging the admissibility of expert testimony at trial under [Fed. R. Evid. 702](#), see [*Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 \(1999\)](#), and [*Daubert v. Merrell-Dow Pharmaceuticals*, 509 U.S. 579 \(1993\)](#), shall be filed by **December 7, 2018**, and accompanied by a request for a hearing if necessary. Failure to timely move for a hearing may constitute waiver of the request for a hearing.
4. A telephonic status conference is set for **December 13, 2018, at 1:30 p.m.** before the undersigned magistrate judge. The parties shall use the Case Conference Instructions associated with these cases.

Dated this 27th day of November, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge